IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2246 OF 2006

Mr.Prakash Waman Jatekar .. Applicant.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.Shilpa A.Joshi for the applicant.
Mr.A.S.Shitole A.P.P. for the State.
Mr.D.Brijesh for respondent no.2.

CORAM : D.B.BHOSALE, J.
DATED : 27TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. By this application, the applicant has prayed for quashing of the proceedings in Criminal Case No.562/P/96 (C.R.No.207/95), pending before the 49th Metropolitan Magistrate Court, Vikhroli, Mumbai. The case was registered against the applicant at the instance of the respondent-wife under section 498-A, 324, 506(2) of I.P.C. The applicant and the respondent-wife are present in the court. The respondent-wife has filed an affidavit dated 26.6.2006 stating that they have amicably settled the dispute and have obtained the consent decree for divorce from the Family Court on 7.3.2006. She has further stated that she has received all the ornaments and other articles from the applicant. She has then stated that she has received a sum of Rs.1.5 Lakh from the applicant and that she will be entitle to withdraw an

amount of Rupees One lakh deposited by the applicant in the Family Court towards permanent alimony. The respondent-wife is allowed to withdraw the said amount.

3. The Supreme Court in the case of **B.S.Joshi and Anr. Vs. State of Haryana and Anr. 2003(4) SCC 675** in similar situation in paragraph 14 of the judgment held thus:

> "14. There is no doubt that the object of introducing Chapter XX-A containing section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code."

4. Keeping in view the law laid down by the Apex Court and considering the facts and circumstances of the case and in particular the affidavit filed by the respondent-wife, in my opinion, this is a fit case to exercise inherent powers to quash the proceedings in Criminal Case No.562/P/96 (C.R.No.207/95) pending before the 49th Metropolitan Magistrate, Vikhroli, Mumbai. Order accordingly. The application is disposed of.

(D.B.Bhosale, J.)